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“In consideration of the many underserved Blessings conferred upon us by GOD, the Father of all Mercies; it becomes us not only in our private and usual devotion, to express our obligations to Him, as well as our dependence upon Him; but also specially to set a part a Day to be employed for this great and important Purpose.”

John Hancock, Thanksgiving Proclamation, October 5, 1791

Religious Freedom Restoration Act Explained

This week marked the 27th anniversary of the passage of the Religious Freedom Restoration Act (RFRA), a law which has been referenced and used to protect religious freedom in several court cases, but has also been recently criticized by left-wing groups and politicians who claim it allows discrimination. Signed into law by President Bill Clinton on November 16, 1993, RFRA [ensures](#) that the government cannot “substantially burden” an individual’s free exercise of religion unless the government demonstrates a “compelling interest” and is utilizing the “least restrictive means” possible to accomplish that interest. Introduced by then-Representative Chuck Schumer (NY) and Senator Ted Kennedy (MA), the bill was a [response](#) to two Supreme Court decisions that allowed state and local laws to prohibit specific religious practices of two minority religious groups. The bill had overwhelming bipartisan support, as people on both sides of the aisle recognized the need to protect religious liberty; in fact, the coalition supporting the new law included civil liberty and religious groups ranging from the American Civil Liberties Union to the Home School Legal Defense Association. In 1993, RFRA was passed unanimously by the U.S. House of Representatives and by a vote of 97-3 in the Senate. In 1997, the Supreme Court ruled that RFRA applied only to federal laws and was not enforceable on the state level, prompting [21 states](#) to enact their own RFRA laws.

Despite the large bi-partisan support for RFRA when it was first passed, recent culture wars have created a partisan divide between those who recognize the importance of protecting religious liberty and those who charge that religious liberty enables discrimination. Last spring, the House of Representatives passed the [Equality Act](#), a bill which would add “sexual orientation” and “gender identity” to the list of protected classes under Title VII of the 1964 Civil Rights Act, radically transforming federal civil rights laws concerning employment, public accommodations, and education. The bill offers no exemptions for organizations and businesses that hold to a biblical view of sexuality, and also partially repeals RFRA, essentially forcing one government-sanctioned ideology and punishing those who do not conform to it. Last summer, the Supreme Court ruled that Title VII prohibits discrimination on the basis of sexual orientation and gender identity ([Bostock v. Clayton](#)), prompting 47 Senate Democrats and Republican Senator Collins (ME) to send a letter to Majority Leader Mitch McConnell [demanding](#) that the Equality Act be brought to the Senate floor for a vote. Ironically, Justice Neil Gorsuch, who wrote the majority opinion for the *Bostock* decision, referred to RFRA as a “super statute,” adding, “it might supersede Title VII’s commands in appropriate cases.” However, the Equality Act specifically states that [RFRA cannot be used to cover a claim](#) in the bill, causing grave concern to conservatives over the threat this bill presents to the religious freedom of charitable civic organizations, churches, Christian schools, medical and creative professionals, employers, parental rights, and individuals.

Justice Alito Speaks in Support of Religious Liberty

Supreme Court Justice Samuel Alito recently [gave a speech](#) at the Federalist Society National Lawyers Convention that painted a somber picture of Americans' constitutionally protected rights. In his rare public speech, Justice Alito explained how disregard for fundamental rights has increased in recent years and intensified in the current pandemic which "has resulted in previously unimaginable restrictions on individual liberty." A common theme in his speech was that many fundamental freedoms such as religious liberty, freedom of speech, and the right to bear arms have suffered increasing violations by government and are in danger of becoming what he called "second tier constitutional right[s]." In recent cases, such as [Little Sisters of the Poor](#) and [Masterpiece Cakeshop](#), religious people have been targeted by government simply for holding a religious conviction about marriage and sexuality. These cases show that "for many today, religious liberty is not a cherished freedom. . . . Those who claim to old beliefs will be able to whisper their thought in the recesses of their homes," but "they will risk being labeled as bigots, and treated as such by governments, employers, and schools" if they dare share those beliefs in the public sphere. Although the speech was somber, Justice Alito used it as a call to action for the American people to stand up "for our Constitution and for our freedom." Quoting [Learned Hand](#), an American judge and philosopher, Justice Alito concluded, "Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can do much to help it."

Poll Reveals Parents' Concerns with Education during COVID

The Pew Research Center released the [results of a recent poll](#) regarding parents and their concerns about their children's education during the pandemic. While most parents indicated they were at least somewhat satisfied with the education their children were receiving, parents whose children received only in-person education had the highest percentage (54%) of being "very satisfied." The percentage of "very satisfied" parents dropped significantly for those with children in virtual-only education (30%) and a combination of virtual and in-person (27%). Seventy percent of parents whose children are receiving virtual education either exclusively or in combination with in-person school reported that they or another adult had to provide additional instruction, compared to only 52% of parents whose children are attending only school in person. The survey results also indicated that a majority of parents (65%) are concerned that their children are "falling behind in school." The survey broke down these responses by income level, noting that 55% of upper-income parents, 63% of middle-income parents, and 72% of lower-income parents were concerned about a lack in their child's education. The survey also revealed the increasing concern on the part of parents regarding children's social interaction, physical activity, screen time, and emotional health since the pandemic brought changes to the educational systems. While a majority of parents are concerned about the risk of exposure for their children to COVID, most parents with children receiving in-person school are satisfied with the safety precautions being taken.

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACCS Investment Team at Merrill Lynch](#)

[9 Constructive Things to Do and Pray While Waiting for Election Results](#)

[White House Report: Expanding Educational Opportunity Through Choice and Competition](#)

[The Mayflower Compact and Foundations for Religious Liberty](#)